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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			BARTLEY, KENNETH	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/701,235	WEST, ROBERT A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kenneth L. Bartley	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 August 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-6,11-16 and 31-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-6, 11-16, and 31-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date _____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. Receipt of Applicant's After Final amendment and response filed August 2, 2007 is acknowledged.

### ***Response to Amendment***

2. Claims 7-9 have been cancelled. Claims 2, 10, and 17-30 were previously cancelled. Claims 1, 3-6, 11-16 and 31-40 are pending in the application and are provided to be examined upon their merits.
3. The double patenting rejection is removed.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 3-9, 11-16, and 31-40 have been considered but are moot in view of the new ground(s) of rejection.
5. The Examiner thanks the Applicant for their patience. The Examiner carefully considered Applicant's remarks. At issue was use of U.S. Patent 7,146,615 to Hervet et al. as a secondary reference. Therefore, the Examiner is providing new art in combination with Riserg et al.. To aid the Applicant, the Examiner has put in bold the changes to his prior Office Action.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. Claims 1, 3-9, 11, 14, 15, and 31-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,339,392 to Risbert et al., in view of **U.S. Patent 7,082,398 to Apple et al..**

Regarding applicant claim 1:

1. (Currently Amended) A method for an event driven workspace in an electronic trading environment, the method comprising:

defining a plurality of windows to be associated with a workspace, wherein the plurality of windows are associated with at least two applications and the plurality of windows are used to display information pertaining to one or more tradeable objects on a display unit, and wherein each of the plurality of windows is displayed according to a first state in the workspace, the first state comprising a particular arrangement of the plurality of windows in the workspace;

Risberg, et al. discloses:

"The active document can be comprised of one or more sheets..." (Abstract)

"Active document" ... means a video displayed document of one or more "sheets" of the user's design..." (col. 2, lines 31-33)

"Several sheets may be shown in separate "windows" or layers on the display." (col. 5, lines 33-37)

"The invention pertains to the field of application programs for monitoring and managing complex systems..." (col. 1, lines 31-34)

"The tools provided ... allow the user to layout each sheet of the active document with: quotes of prices, volume etc. on various financial instruments such as stocks, bonds, etc...." (Abstract)

"A quote is either in the normal state 27 or the alert state 28." (col. 10, lines 6-7)

"When a real time data update comes into a normal state quote and does not trigger an alert, the "normal update" script is run." (col. 10, lines 7-9)

Also, "A script is a user defined string of commands that are executed in sequence." (col. 10, lines 9-11)

"The user can select which real time data is to be displayed, where it is to be displayed and in what format and style it is to be displayed." (Abstract)

defining a trigger to be used to activate the workspace according to a second state:

"When an update comes in which triggers an alert, the "begin alert" script 30 is run." (col. 10, lines 19-20). This activates a second state (Fig. 2).

detecting the trigger associated with the workspace by analyzing one or more incoming data feeds having a relation to the one or more tradeable objects; and

"The tools provided ... allow the user to layout each sheet of the active document with: quotes of prices, volume etc. on various financial instruments such as stocks, bonds, etc...." (Abstract)

"The user may also define alarm limits against which real time data updates are compared as well as scripts of commands to be performed in case an alarm limit is exceeded." (Abstract).

upon detecting the trigger, changing a state of the plurality of windows being displayed according to the second state in the workspace, the second state comprising a different arrangement of the plurality of windows in the workspace than the first state, wherein the second state provides a user with a more desirable arrangement of the plurality of windows in the workspace based on the defined trigger.

"When an update comes in which triggers and alert, the "begin alert" script 30 is run. This script takes the quote object into the alert state..." (col. 10, lines 19-21). Presumably the alert script could define a separate set of sheets.

**While Risberg, et al., in the business of event display screens, provides for a plurality of sheets and triggers that lead to different states, he does not detail event triggers with a different arrangement of a plurality of windows.**

**Apple et al., in the same field of endeavor of event driven display screens discloses:**

**"For example, if a monitoring program on master control computer system 2280 finds that a trigger has occurred, such as an index or a stock price reaches a new high, system 2280 changes the display on video wall 2270 according to some pre-programmed format." (col. 11, lines 17-22)**

**"These include the Wall State Editor, which allows editing of the current state of the wall..." (col. 16, lines 33-39).**

**Apple et al., provides for a change in display associated with a trigger. Therefore, it would have been obvious to one skilled in the art at the time of invention to include a different arrangement of window(s) for displaying a triggered action related to a change in state motivated by Apple et al, who provides such ability and this would permit the user to move to a different window during a trigger event in order, for example, to monitor stocks and determine if a stock has changed beyond some limit that require action of some type.**

**Regarding claim 3:**

**3. (Currently Amended) The method of claim 1, further comprising: before changing a state of the plurality of windows being displayed in the workspace, notifying the user that the trigger associated with the virtual workspace has been detected;**

**Risberg, et al. discloses:**

**"...the alert scripts can perform operations such as changing a color, flashing an object, sounding an audible alarm or executing an external program." (col. 4, lines 21-23)**

**detecting a user input indicating a request to activate the workspace; and**

**"Buttons can be programmed to carry out commonly performed operations such as moving quickly to an important page..." (col. 4, lines 16-19).**

**changing the state of the plurality of windows to be displayed according to the second state in the workspace.**

**"When an update comes in which triggers and alert, the "begin alert" script 30 is run. This script takes the quote object into the alert state..." (col. 10, lines 19-21)**

Regarding claim 4:

4. (Currently Amended) The method of claim 1, further comprising:  
defining a trigger-on state for each of the plurality of windows associated with the workspace; and

Risberg, et al. discloses:

"When an update comes in which triggers an alert, the "begin alert" script 30 is run." (col. 10, lines 19-20).

when the workspace is displayed on the display unit, displaying each of the plurality of windows on the display unit based on the trigger-on state associated with each window.

"Active document" ... means a video displayed document of one or more "sheets" of the user's design..." (col. 2, lines 31-33). Therefore, the user can create script in the "normal state" to create a plurality of sheets.

Regarding claim 5:

5. (Currently Amended) The method of claim 4, wherein the trigger-on state activates window characteristics upon detection of the trigger.

Risberg, et al. discloses:

"...the alert scripts can perform operations such as changing a color, flashing an object, sounding an audible alarm or executing an external program." (col. 4, lines 19-23).

Regarding claim 6:

6. (Currently Amended) The method of claim 1, further comprising:  
defining a trigger-off state for each of the plurality of windows associated with the workspace;  
detecting an expiration of the trigger; and

Risberg, et al. discloses:

"Then when an update comes in which is back in the normal range, the "end alert" script will be run, followed by the "normal update script" (col. 10, lines 23-25).

changing a state of each window associated with the workspace based on the trigger-off state specified for each of the plurality of windows.

"Thus, the four scripts provide a way of checking for changes in the state, or for staying in the same state." (col. 10, lines 25-27).

Regarding claim 7:

7. (Currently Amended) The method of claim 1, further comprising:  
defining at least one limiting condition to be used to restrict the activation of at least one window associated with the workspace;  
detecting the at least one limiting condition before activating the workspace; and

Risberg, et al. discloses:

"The user may define alarm limits against which real time data updates are compared as well as scripts of commands to be performed in case an alarm limit is exceeded." (Abstract)

preventing the at least one window associated with the workspace from being displayed on the display unit upon detecting the at least one limiting condition.

"Thus the four scripts provide a way of checking for changes in the state, or for staying in the same state." (col. 10, lines 25-27). The system then seems capable of staying in the same state since the user can define the alarm limits.

Regarding claims 8 and 9:

8. (Currently Amended) The method of claim 7, wherein the at least one limiting condition is at least in part based on a window characteristic.

9. (Currently Amended) The method of claim 7, wherein the at least one limiting condition is at least in part based on a user action.

Risberg, et al. discloses:

"Also, the above and below limits can be activated and deactivated by clicking on the check boxes." (col. 9, lines 61-63).

Regarding claims 11, 14 and 15:

11. (Original) The method of claim 1, wherein the trigger is defined at least in part based on trader related data.

14. (Original) The method of claim 1, wherein the trigger is defined at least in part based on market related data.

15. (Original) The method of claim 1, wherein the trigger is defined at least in part based on news data.

Risberg, et al. discloses:

The Event Trigger is a specification of conditions under which the user wishes to do extra processing on the Active Object. For example, the user can set alarm limits such as a certain price or trading volume for a particular quote Active Object... (col. 23, lines 5-7).

Regarding claim 31:

31. (New) The method of claim 1, wherein a state of a window is defined as one or more of the following: active or inactive, maximized or minimized, focus of the window, hidden

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window, size of the window, or position of the window within the workspace.

Risberg, et al. discloses:

"The menu of commands allows the user to display an index of sheets which have been defined for a particular active document file, and to select the sheet to view. The menu options also include commands to manage sheets and sheet files, and to control the appearance of the display and the objects within it." (col. 5, lines 19-24). Further, "...when a dialog box first appears, the item in the upper left will have the focus." (col. 31, lines 15-16)

Regarding claim 32:

32. (New) The method of claim 1, wherein according to the second state, one or more windows are automatically made active or inactive.

Risberg, et al. discloses:

"An apparatus and method according to the teachings of the invention provides a computer facility... whereby a user, using a collection of layout tools may define an active document. "Active document" as that term is used herein means a video displayed document of one or more "sheets" of the user's design...user defined scripts of commands to be processed...when an alarm limit is exceeded." (col. 2, lines 31-39) Therefore, the user can make a second state active or inactive with user defined scripts of commands.

Regarding claims 33, 35 and 36:

33. (New) The method of claim 1, wherein according to the second state, one or more windows are automatically maximized or minimized.

35. (New) The method of claim 1, wherein according to the second state, one or more windows are automatically placed on top of the remaining plurality of windows.

36. (New) The method of claim 1, wherein according to the second state, one or more windows are automatically resized from the first state.

Risberg, et al. discloses:

"The menu of commands allows the user to display an index of sheets which have been defined for a particular active document file, and to select the sheet to view. The menu options also include commands to manage sheets and sheet files, and to control the appearance of the display and the objects within it." (col. 5, lines 19-24).

Regarding claim 34:

34. (New) The method of claim 1, wherein according to the second state, a focus on one or more windows is automatically adjusted from the first state.

Risberg, et al. discloses:

Further, "...when a dialog box first appears, the item in the upper left will have the focus." (col. 31, lines 15-16). Script could be written to perform this.

Regarding claim 37:

37. (New) The method of claim 1, wherein according to the second state, one or more windows are automatically moved in the workspace from the first state.

Risberg, et al. discloses:

"The menu also includes commands to rearrange the location of the display object windows or boxes (the term boxes will be used herein to avoid confusion with the term windows in which separate processes may be running in multitasking environment or DOS windows environments)" (col. 5, lines 24-29)

"...the menu includes options to change the order of the layers and move any particular box to the top of a stack." (col. 5, lines 30-33). Since alarms are from scripts... "The things that can be scripted to happen upon occurrence of an alarm condition are limited only by the imagination of the user." (col. 23, lines 15-18).

Therefore, a script could be written that activates window characteristics upon detection of the trigger.

Regarding claims 38 and 39:

38. (New) The method of claim 1, wherein at least one of the plurality of windows is used to display market information.

39. (New) The method of claim 1, wherein at least one of the plurality of windows is used to display news information.

Risberg, et al. discloses:

"...the program can support data feeds from Reuters Market Feed 2000/IDN, Telekurs Ticker, CMQ Telerate MarketFeed, Canquote and Quotron. (col. 3, lines 17-20)

Regarding claim 40:

40. (New) A computer readable medium, for providing an event driven workspace, the computer readable medium containing a program containing instructions to cause a processor to perform the following steps:

defining a plurality of windows to be associated with a workspace, wherein the plurality of windows are associated with at least two applications and the plurality of windows are used to display information pertaining to one or more tradeable objects on a display unit, and wherein each of the plurality of windows is displayed according to a first state in the workspace, the first state comprising a particular arrangement of the plurality of windows in the workspace;

Risberg, et al. discloses:

"...a computer facility... whereby a user, using a collection of layout tools may define an active document." (col. 2, lines 27-30)

"The active document can be comprised of one or more sheets..." (Abstract)

"The invention pertains to the field of application programs for monitoring and managing complex systems..." (col. 1, lines 31-34)

"Several sheets may be shown in separate "windows" or layers on the display." (col. 5, lines 33-37)

"The tools provided ... allow the user to layout each sheet of the active document with: quotes of prices, volume etc. on various financial instruments such as stocks, bonds, etc...." (Abstract)

defining a trigger to be used to activate the workspace according to a second state;  
"When an update comes in which triggers and alert, the "begin alert" script 30 is run." (col. 10, lines 19-20).

"A script is a user defined string of commands that are executed in sequence." (col. 10, lines 10-11).

detecting the trigger associated with the workspace by analyzing one or more incoming data feeds having a relation to the one or more tradeable objects; and  
"...alarm limits against which real time data updates are compared as well as scripts of commands to be performed in case an alarm limit is exceeded."  
(Abstract). Also, "The tools provided ... allow the user to layout each sheet of the active document with: quotes of prices, volume etc. on various financial instruments such as stocks, bonds, etc...." (Abstract)

upon detecting the trigger, changing a state of the plurality of windows being displayed according to the second state in the workspace, the second state comprising a different arrangement of the plurality of windows in the workspace than the first state, wherein the second state provides a user with a more desirable arrangement of the plurality of windows in the workspace based on the defined trigger.

"When an update comes in which triggers and alert, the "begin alert" script 30 is run. This script takes the quote object into the alert state..." (col. 10, lines 19-21)

**While Risberg, et al., in the business of event display screens, provides for a plurality of sheets and triggers that lead to different states, he does not detail event triggers with a different arrangement of a plurality of windows.  
Apple et al., in the same field of endeavor of event driven display screens discloses:**

**"For example, if a monitoring program on master control computer system 2280 finds that a trigger has occurred, such as an index or a stock price reaches a new high, system 2280 changes the display on video wall 2270 according to some pre-programmed format." (col. 11, lines 17-22)**

**"These include the Wall State Editor, which allows editing of the current state of the wall..." (col. 16, lines 33-39).**

**Apple et al., provides for a change in display associated with a trigger. Therefore, it would have been obvious to one skilled in the art at the time of invention to include a different arrangement of window(s) for displaying a triggered action related to a change in state motivated by Apple et al, who provides such ability and this would permit the user to move to a different window during a trigger event in order, for example, to monitor stocks and determine if a stock has changed beyond some limit that require action of some type..**

9. Claims 12, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as combined in section (14) above in further view of Official Notice.

**Regarding claims 12 and 13:**

12. (Original) The method of claim 11, wherein the trader related data comprises profit/loss ("P/L") trader related data.
13. (Original) The method of claim 11, wherein the trader related data comprises net position trader related data.

While Risberg et al., discloses... "A quote tools displays the value of an issue, including a user defined set of other fields pertaining to that particular company in a display style specified by the user. For example, a brief style displays only the price where a comprehensive style displays all the available fields." (col. 3, lines 39-41), he does not disclose profit/loss or net position trader related data. The Examiner takes Official Notice that it would have been obvious to one skilled in the art at the time the invention to include profit/loss and net position data as part of financial analysis and that this provides the trader with useful information about whether or not to buy or sell a stock and that such information can enhance investment returns to the user.

**Regarding claim 16:**

16. (Original) The method of claim 1, wherein the trigger comprises a time trigger.

While Risberg et al., provides for alarm limits and triggers, he does not disclose a time trigger. The Examiner takes Official Notice that it would have been obvious to one skilled in the art at the time of invention to include time considerations for a trigger and that it would be useful, for example, to move to a normal state after a certain period of

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time rather than having to always reset a state and that this would allow a trader to more effectively monitor changes in a stock price.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth L. Bartley whose telephone number is (571) 272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jagdish Patel can be reached on (571) 272-6748. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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PRIMARY EXAMINER